

# House File 2176 - Introduced

HOUSE FILE 2176

BY LYKAM and BAUDLER

## A BILL FOR

- 1 An Act relating to acts performed against police service horses
- 2 and dogs resulting in injury or interference, providing
- 3 exceptions, and providing for penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1     Section 1. NEW SECTION.   717.9   Injury or interference with  
2   a police service horse.

3     1. A person who knowingly, and willfully or maliciously  
4   torments, strikes, administers a nonpoisonous desensitizing  
5   substance to, or otherwise interferes with a police service  
6   horse, without inflicting serious injury on the police service  
7   horse, commits a serious misdemeanor.

8     2. A person who knowingly, and willfully or maliciously does  
9   any of the following commits a class "D" felony:

10    a. Tortures a police service horse.

11    b. Injures, so as to disfigure or disable, a police service  
12   horse.

13    c. Sets a booby trap device for purposes of injuring, so as  
14   to disfigure or disable, or killing a police service horse.

15    d. Pays or agrees to pay a bounty for purposes of injury, so  
16   as to disfigure or disable, or kill a police service horse.

17    e. Kills a police service horse.

18    f. Administers poison to a police service horse.

19     3. As used in this section, "*police service horse*" means a  
20   horse used by a peace officer or correctional officer in the  
21   performance of the officer's duties, whether or not the horse  
22   is on duty.

23     4. This section does not apply to any of the following:

24    a. A peace officer or veterinarian who treats a police  
25   service horse, if the treatment is for the purpose of  
26   rehabilitating the police service horse or relieving the police  
27   service horse of undue pain or suffering, and which may include  
28   terminating the horse's life.

29    b. A person who justifiably acts in defense of self or  
30   another person.

31     Sec. 2. Section 717B.9, subsection 4, Code 2011, is amended  
32   by striking the subsection and inserting in lieu thereof the  
33   following:

34     4. This section does not apply to any of the following:

35    a. A peace officer or veterinarian who treats a police

1 service dog, if the treatment is for the purpose of  
2 rehabilitating the police service dog or relieving the police  
3 service dog of undue pain or suffering, and which may include  
4 terminating the dog's life.

5     *b.* A person who justifiably acts in defense of self or  
6 another person.

### EXPLANATION

8       This bill creates criminal offenses for acts performed  
9 against a police service horse which result in an injury to the  
10 horse or some form of interference with its official duties.  
11 If enacted, the bill's provisions could be codified in Code  
12 chapter 717 which in part prohibits the abuse of livestock,  
13 including equine. The bill's provisions defining offenses and  
14 penalties closely resemble provisions currently in the Code  
15 chapter applicable to animals other than livestock and which  
16 specifically prohibits injuring or interfering with a police  
17 service dog (Code section 717B.9).

18 Under the bill, a person commits a serious misdemeanor by  
19 knowingly, and willfully or maliciously abusing or otherwise  
20 interfering with a police service horse, without inflicting  
21 serious injury. A serious misdemeanor is punishable by  
22 confinement for no more than one year and a fine of at least  
23 \$315 but not more than \$1,875.

24 Under the bill, a person commits a class "D" felony by  
25 knowingly, and willfully or maliciously torturing, or injuring  
26 a police service horse in a manner that causes disfigurement or  
27 disability; setting a booby trap device for purposes of causing  
28 such injury or death; paying or agreeing to pay a bounty for  
29 purposes of causing such injury or death; killing a police  
30 service horse; or administering poison to a police service  
31 horse. A class "D" felony is punishable by confinement for no  
32 more than five years and a fine of at least \$750 but not more  
33 than \$7,500.

34 The bill's definition of a police service horse mirrors the  
35 definition of a police service dog. Under the bill, a police

1 service horse must be used by a peace officer or correctional  
2 officer in the performance of the officer's duties, whether or  
3 not the animal is on duty.

4     The bill creates two exceptions, first for a peace officer  
5 or veterinarian who treats a police service horse to provide  
6 for either rehabilitation or termination, and second for a  
7 person who justifiably acts in self-defense or in the defense  
8 of another person. The bill also amends the current provision  
9 relating to police service dogs to correspond to the treatment  
10 exception applicable to police service horses under the bill.